

RESOLUTION PC 06-3891

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE SUBDIVISION MAP FOR EIGHT (8) SINGLE FAMILY LOTS IN THE AGRICULTURAL (A-1) ZONE IN THE TWIN OAKS VALLEY COMMUNITY.

TSM 459  
Kachay Homes, Inc.

WHEREAS, on June 16, 2005 an application was received from Kachay Homes, Inc. to subdivide one 9.54 acre parcel into eight (8) one-acre single family lots, located on the southeast corner of Mulberry Drive and Richland Road, in the Agricultural (A-1) Zone, in the Twin Oaks Valley Community, more particularly described as:

Lot 2 in block 32 of Rancho Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 806, filed in the office of the recorder of San Diego County, December 21, 1895.  
Assessor's Parcel Number: 182-132-21

WHEREAS, the Development Services Department did study said request and does recommend approval of requested use; and

WHEREAS, the required public hearing held on April 3, 2006 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 06-738) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission did consider said Tentative Subdivision Map and the recommendation by staff, the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Protection District with respect thereto, and did determine that the conditions hereinafter are necessary to insure that the subdivision and the improvements thereof will conform with all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, the subdivider proposes to file a Final Map of said subdivision;

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the Twin Oaks Valley Community Land Use Plan in that it provides a residential use in an area of the City designated for "Rural Residential .125-1 du/ac."
2. The site is physically suitable for this type of subdivision, with the conditions of approval, in that the site can accommodate the proposed residential lots and maintain acceptable grades and setbacks.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design of the subdivision and improvements will not cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant environmental issues or concerns were identified through the environmental assessment prepared for the development.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Negative Declaration (ND 06-738) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Subdivision Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. The Tentative Subdivision Map is hereby approved for up to eight (8) one-acre single family lots.
- F. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the

expiration of the tenth (10<sup>th</sup>) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.

- G. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a refile of the Tentative Subdivision Map and new processing of the map.
- H. Prior to submittal of any development permit (i.e.: plan check, building permit, grading permit) or within 30 days of the approval of Tentative Subdivision Map (TSM 459), whichever occurs first, the tentative map shall be submitted as an original mylar, along with the a mylar of this resolution as a title page. This title page shall include the statement "I (we), \_\_\_\_\_, the owner(s) or the owner's representative, have read, understand, and agree to the conditions of Resolution PC 06-3891". Immediately following this statement shall appear a signature block for the owner(s) or the owner's representative which shall be signed. Signature blocks for the Project Planner and Project Civil Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
- I. The subdivider of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
- J. Prior to recordation of the Final Map, the following conditions shall be complied with:
  - 1. The subdivider shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing CalTrans standards and acceptable to the City Engineer.
  - 2. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
  - 3. The subdivider of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility

undergrounding or relocation, and drainage facilities, as required by the City Engineer.

4. The subdivider shall dedicate or irrevocably offer to dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
5. Mulberry Drive shall be dedicated by the subdivider along the subdivision frontage based on a centerline to right-of-way width of 34 feet.
6. Richland Road shall be dedicated/acquired by the subdivider along the subdivision frontage based on a centerline to right-of-way width of 30 feet, plus twenty (20) feet on the other side of the centerline. Additionally a trail easement next to the right-of-way shall be granted to accommodate a 10' D.G. trail, five foot landscaping and drainage ditch as required. The 4.5' parkway behind the sidewalk can be used for the trail. A trail easement shall also be granted along the easterly property line to accommodate a 15' trail easement to accommodate a 10' D.G. trail, five foot landscaping and a drainage ditch.
7. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the subdivider shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The subdivider shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.

If said dedication and easements are not acquired after negotiations between the private parties, the subdivider shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the subdivider shall be responsible for all costs incurred in acquiring offsite property.

8. Direct access rights to all lots abutting Mulberry Drive and Richland Road shall be relinquished to the City on the Final.
9. Mulberry Drive shall be designed to half width Collector Street standards per the City's "Urban Street Design Criteria". Adequate off-site transitions are required. All pavement sections shall be designed to ultimate structural section. The existing open ditch along the frontage of the property shall be replaced with an underground system to the satisfaction of the City Engineer.

10. Richland Road shall be designed to half width Modified Collector Street standards per the City's "Urban Street Design Criteria", plus a minimum twelve (12) foot paved lane width with a minimum eight (8) foot graded D.G. shoulder on the other side of the roadway. The modified section shall have a centerline to curb width of 20 feet. Adequate off-site transitions are required. All pavement sections shall be designed to ultimate structural section.
11. A ten (10) foot D.G. trail with lodge pole fencing, landscape buffer and drainage ditch (as required) on the south side of the Richland Road on the subdivision frontage and along the east side of the subdivision boundary, per City of San Marcos' Master Trails Plan shall be designed to the satisfaction of the appropriate City Departments. The design specifications of the trail system shall be incorporated into the Community Facility District 98-02 (CFD) landscape plans.
12. The proposed interior cul-de-sac shall be designed to full width Residential Street standards per the City's "Urban Street Design Criteria", with a curb-to-curb width of 38 feet. The City Engineer may consider reduction of the street width for water quality considerations by dropping 6 feet of pavement and the sidewalk and introducing a landscape parkway instead.
13. The following street design requirements not specifically outlined in the City's "Urban Street Design Criteria" shall be met:
  - a. All cul-de-sac bulbs shall be sixty (60) foot radius right-of-way; cul-de-sacs and knuckles shall adhere to City's standards.
  - b. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles as possible, and shall not exceed more than ten (10) degrees from radial from right-of-way except as approved by the City Engineer.
14. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
15. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer. All required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be

improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.

16. The subdivider shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, storm drain facilities, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" public improvements within a period to be specified in the Subdivision Improvement Agreement.
17. The subdivider shall enter into a Subdivision Improvement Agreement with the City to complete the perimeter road improvements and all required off-site transitions within 180 days from the issuance of grading permit and the interior cul-de-sac within 360 days, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
18. Proposed street shown on the Tentative Map shall be given lettered designation, until such time as a requested name is approved by the City's Street Naming Committee. The subdivider shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map, following the procedure outlined for naming streets by the Engineering Division. Street name signs shall be installed by the subdivider as part of the subdivision improvements.
19. A low pressure sodium vapor street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All on-site lighting systems shall also comply with City's standards for low pressure sodium vapor.
20. The subdivider shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.
21. All trail systems fronting and within the project shall be dedicated and designed per City of San Marcos' Master Trails Plan and to the satisfaction of the appropriate City Departments.

22. The subdivider shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along the subdivision boundary.
23. The subdivider shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
24. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
25. The subdivider shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
  - a. CFD 98-01, Improvement Area No. 1, Police Only.
  - b. CFD 2001-01, Fire and Paramedic.
  - c. CFD 98-02, Lighting and Landscape.

No final map, development entitlement or grading permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. The subdivider shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents

26. Maintenance for public trail system and landscaping shall be accomplished by the subdivider or homeowners association for a minimum period of two (2) years, which may be extended, until such time as accepted into the Landscaping and Lighting District. Prior to acceptance by the City, the subdivider shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.

27. The subdivider shall maintain all CFD projects as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.
28. The subdivider shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining the fact they are in the City's Landscaping and Lighting District. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build out.
29. Prior to Final Map approval, the subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:
  - a. They have received a copy of the proposed Final from the subdivider.
  - b. They object or do not object to the filing of the Final Map without their signature.
  - c. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the map when required by the Governing Board.
30. The Final Map shall show the gross and net acreage of all parcels created. Minimum net lot size for each lot shall be one acre.
31. The Final Map shall use the California Coordinate System of 1983 for its "Basis of Bearings" and show two (2) measured ties to Horizontal Control Monuments of said system as shown on City of San Marcos Record of Survey 13928.
32. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Director of Planning prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the subdivider decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Director of Planning. Other conditions may be imposed by the City Engineer and Director of Planning to allow out-of-phase construction.
33. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this tentative map.



34. A digital disk of all drawings and maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, Water Quality Technical Report, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. A Mylar of the map, after recordation is also required.
35. The applicant shall obtain LAFCO approval to detach the subject site from the Vista Irrigation District and annexation to the Vallecitos Water District for water and sewer services for the project.
36. The Map and Final Landscape Plan shall be revised incorporate fuel modification measures required by the Fire Department. A fuel management plan demonstrating a minimum 150-foot setback from structures, and natural vegetation plan must be reviewed and approved by the Fire Department.
37. No obstructions (i.e., fire hydrants, street lights, underground vaults, transformers, and etc.) shall be constructed within the City trails. Additional right-of-way or easement width may be required. Any required dry utility plans shall be submitted to the City of San Marcos for review.
38. No private improvements shall be placed within Community Facilities District maintained areas.

**K. Prior to issuance of any grading permit, the following conditions shall be complied with:**

1. Improvement plans shall include a Jones 3775 fire hydrant(s) at a location specified by the Fire Marshal.
2. The applicant shall obtain a demolition permit from Building Division prior to demolition of the existing single-family residence on site. A certified asbestos consultant inspect the site to identify the type and location, if any, of Asbestos Containing Construction Materials in the building, and make recommendations as to the proper removal of asbestos materials prior to demolition of the building.
3. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report.
4. A geologic and soils study shall be conducted for the proposed project. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations on individual lots. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and

Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer, City Engineer and Building Official shall be implemented at the time of development of any lot.

5. The subdivider shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
6. All permanent manufactured fill slope banks shall be constructed at a gradient no steeper than 2:1 (horizontal to vertical). The Civil and/or Geotechnical Engineer shall verify slope stability for any cut slope greater than 2:1; in no case shall the cut slope exceed 1.5:1. The City Engineer will require support documentation from a licensed Civil and/or Geotechnical Engineer for graded cut slopes greater than 2:1 and proof that they can be landscaped.
7. The subdivider shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.
8. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (CalTrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
9. Erosion control and/or sediment control details shall be submitted on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
10. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the

affected property owner. This report shall be subject to approval of the City Engineer.

11. The project drainage shall not increase or impact the adjacent property's existing drainage conditions. Any mitigation measures shall be to the satisfaction of the City Engineer.

---

12. The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the subdivider to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.

---

13. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.

---

14. The Final Water Quality Technical Report shall be to the satisfaction of the City Engineer.
15. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lot/s.
16. The subdivider applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
17. The subdivider shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest Caltrans SWPPP Preparation Manual, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction.
18. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
19. The subdivider shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent re-vegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible.

20. The subdivider shall submit to the City for review and approval, a report that identifies affected receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB) and San Diego Association of Governments) and pollutants of concern, and estimates post-construction discharge rates (with all BMPs in place) and explains why the projected pollutant loads will not cause a violation of the water quality objectives.
21. The subdivider shall submit to the City for review and approval a plan that includes a combination of site design, source control and structural treatment BMPs in accordance to the City's latest storm water standards manual. The implementation of the BMP's as shown on the Tentative Map and the Water Quality Technical Report is subject to further review and approval by the City Engineer. The City Engineer may request a different proposal for the BMP's.
22. This project is subject to the payment of a landscape permit fee and an inspection fee. The landscape permit fee shall be two percent (2%) of the Landscape Architects estimate for the completion of all landscaping shown on approved mylars. The landscape inspection fee shall be two and one-half percent (2.5%) of the Landscape Architect's estimate. All submitted estimates shall be stamped and signed by the Landscape Architect.
23. The applicant/developer shall submit landscape, fencing, wall, and irrigation plans prepared by a licensed landscape architect and submitted to the Planning Division, Developmental Services Department for review and approval. The final landscape plan shall list the quantities of each plant type including height and size and shall include a legend indicating what each symbol represents.
24. The proposed development grading shall not surcharge the existing leach fields.
25. The applicant/developer shall submit a detailed fencing and wall plan to the Planning Division for review and approval. The fencing plan shall include provisions for decorative perimeter fencing along Richland Road and Mulberry Drive. The project perimeter fencing shall consist of a two foot high solid stucco fence with a four foot wrought iron fence on top (6 feet total) with 18" square pilaster with brick or stone treatment, pilasters to be placed at property line corners and spaced equally in between. Privacy fences shall be provided along side yards, with final design and materials of all walls/fences to be approved by the Planning Division.
26. Landscape Plans shall be approved by the Planning Division.
27. Developer shall develop a phasing plan for construction of the CFD landscaping and trails. Said plan shall be approved by the Planning Director, Landscape District Supervisor, and Community Services Director.

**L. Prior to issuance of any building permit, the following conditions shall be complied with:**

1. The applicant shall submit architectural elevations with three floor plans to the Planning Division for review and approval. Architectural enhancements are to include but not limited to the following: varied floor plans, popouts and wall projections, features such as stone, brick, wood, shutters, corbel wood rafters, window sills, trims, and varied roof lines. All lots shall have enhanced rear elevations and Lots 1 and 8 shall also have enhanced side elevations. The enhancements, elevations, and building materials shall be submitted to the City of San Marcos for review and approval by the Planning Division Director.
2. Minimum size of each home in the subdivision shall be a minimum of 3,600 square feet.
3. Show on landscape plans enhanced entry treatments as approved by the Planning Division.
4. Development Services shall review and approve the proposed building permit application for compliance with the approved SUSMP BMPs for the proposed subdivision. Each lot shall comply with the approved Stormwater regulations.
5. All structures shall be designed to comply with the latest adopted Uniform Building Code, published by the International Conference of Building Officials (ICBO) and with the State of California Building Code, Part 2, Title 24, California Code of Regulations.
6. Plans and construction documents submitted for a building permit shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
7. Roof drain systems shall be designed for 2-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations.
8. The City of San Marcos is located in Seismic Zone 4. All structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.
9. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: Reinforced door jambs; One piece door stops; 16-

gauge strike plate for deadbolts; Locking hardware for garage doors; Two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; Laminated safety glass; Wide angle peep hole for exterior doors; No louvered windows; and Address numbers easily visible from the street.

10. If determined necessary by the Fire Marshal, an automatic fire extinguishing system (NFPA-13) shall be installed for each proposed single family home in accordance with the latest adopted Uniform Building Code and the National Fire Protection Association standards.
11. The proposed development shall comply with Federal Law, American with Disabilities Act (ADA-90), and State Law, California Code of Regulations, Title 24, for accessibility standards for the proposed construction.
12. Health and Safety Code Section 17959.6 requires a developer of any new residential housing development to provide a buyer with a list of specified universal accessibility features that would make specified areas of the home accessible to persons with disabilities. The developer must indicate whatever the features are standard, limited, optional, or not available, and the point of construction by which they must be requested. The list must be available after July 1, 2004.
13. The proposed development is subject to the payment of development and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to issuance of permits as required.
14. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of issuance of building permit.
15. The proposed development is subject to the payment of School Fees as required by law.
16. Health and Safety Code Section 17959.6 requires a developer of any new residential housing development to provide a buyer with a list of specified universal accessibility features that would make specified areas of the home accessible to persons with disabilities. The developer must indicate whatever the features are standard, limited, optional, or not available, and the point of construction by which they must be requested. The list must be available after July 1, 2004.
17. The applicant/developer for the proposed development, redevelopment, or discretionary use is required to pay of Public Facilities Fees as established by the latest adopted Public Facilities Fee Ordinance Number 2003-1203. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.

18. The proposed development is subject to the approval of the Vallecitos Water District and all applicable fees and charges shall be paid to the satisfaction of the District prior to permit issuance.
19. A Phasing Plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits. The Phasing Plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City of San Marcos and other agencies as appropriate have accepted the improvements in compliance with the conditions of approval.
20. The design shall comply with the storm water management requirements adopted by the City of San Marcos. The proposed new development shall incorporate pollution prevention, source identification and monitoring measures to insure compliance with the City's Waste Discharge Requirements of Urban Runoff.
21. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards.
21. All grading shall be supervised by an Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
22. The subdivider shall provide the City Engineer a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.
23. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. Said location shall not encroach into the driveway aisle/fire lane.
24. The base lift of asphalt on all roads serving the area under construction shall be completed.

**M. During the construction phase, the following conditions shall be complied with:**

1. Water wells shall be abated or reconstructed in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the State Water Code.

2. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
3. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust.
4. The applicant/builder/contractor shall obtain the required OSHA permits for excavations and rock drilling operations in accordance with the California Code of Regulations, Title 8, Section 1503.
5. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS, and the issuance of citations as appropriate. Citations of hours of work violations require a mandatory court appearance in North County Superior Court and court costs up to \$2,701 per offense.
6. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in citations and orders to stop work until the City determines the project to be in compliance with the requirements.
7. The subdivider shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
8. The subdivider shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
9. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
10. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
11. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m.,



Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.

12. During grading and construction operations, the subdivider shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
13. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
14. The subdivider shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (November 1 through April 1). Each such basin shall be provided with an all-weather access/maintenance road.
15. The subdivider shall ensure that the grading and other construction activities meet the provisions specified in the California RWQCB, San Diego Region, Order 2001-01, NPDES No. CAS0108758 – Section F.2.
16. The subdivider shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
17. The subdivider shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans as in the SWPPP.
18. The subdivider shall minimize exposure time of disturbed soil areas.

**N. Prior to occupancy of any structure on site, the following conditions shall be complied with:**

1. The proposed new development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all pertinent City departments and other agencies before requesting a Certificate of Occupancy (“C of O”) from the Development Services Department. For projects that are constructed in phases, all of the conditions of approval in the phase shall be satisfied prior to requesting the first occupancy in the phase.

2. All improvements shown on the improvement plans, including the improvements to Mulberry Drive, Richland Road, the interior cul-de-sac and the trails as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Subdivision Improvement Agreement for this project.
3. Mulberry Drive shall be constructed to half width Collector Street standards per the City's "Urban Street Design Criteria". Adequate off-site transitions are required. All pavement sections shall be designed to ultimate structural section. The existing open ditch along the frontage of the property shall be replaced with an underground system to the satisfaction of the City Engineer.
4. Richland Road shall be constructed to half width Modified Collector Street standards per the City's "Urban Street Design Criteria", plus a minimum twelve (12) foot paved lane width with a minimum eight (8) foot graded D.G. shoulder on the other side of the roadway. The modified section shall have a centerline to curb width of 20 feet. Adequate off-site transitions are required. All pavement sections shall be constructed to ultimate structural section.
5. A ten (10) foot urban trail with lodge pole fencing, landscape buffer and drainage ditch (as required) on the south side of the Richland Road on the subdivision frontage and along the east side of the subdivision boundary, per City of San Marcos' Master Trails Plan shall be constructed to the satisfaction of the appropriate City Departments. The design specifications of the trail system shall be incorporated into the Community Facility District 98-02 (CFD) landscape plans.
6. The proposed interior cul-de-sac shall be constructed to full width Residential Street standards per the City's "Urban Street Design Criteria", with a curb-to-curb width of 38 feet. The City Engineer may consider reduction of the street width to for water quality considerations by dropping 6 feet of pavement and the sidewalk and introducing a landscape parkway instead.
7. The applicant/developer shall install a Jones 3775 fire hydrant(s) at a location specified by the Fire Marshal.
8. The applicant/developer shall have completed the installation of all landscaping.
9. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
10. The subdivider shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the

subdivider or applicant/developer and approved by the City Engineer and the Director of Public Works.

11. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.
  12. The subdivider shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.
  13. The subdivider shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
  14. The subdivider shall ensure that the grading and other construction activities meet the provisions specified in the California RWQCB, San Diego Region, Order 2001-01, NPDES No. CAS0108758 – Section F.2.
  15. The subdivider shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all structural post-construction Best Management Practices (BMPs).
  16. All post construction structural BMPs shall be shown in detail on the construction plans and submitted to the City for review and approval.
  17. The subdivider shall stabilize all slopes per a City approved method.
  18. The subdivider shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities at all times.
  19. The public trails shall be constructed to the satisfaction of the Community Services Director, Public Works Director, Planning Director, Landscape District Supervisor and City Engineer.
  20. A landscape improvement security shall be accepted by the City for any City or Community Facilities District maintained landscaping (including trails).
- O. The subdivider/developer shall provide a disclosure statement to all future owners and residents that the site is within the City's Agricultural Overlay Area with the following language. The City of San Marcos Attorney shall review and approve the final language of

the disclosure. This shall also be recorded as a deed restriction on all lots to provide said disclosure.

“The subject property is adjacent to an Agricultural Overlay which has either existing or future agricultural enterprises which are allowed by the City of San Marcos. The City has determined that the use of real property for certain allowed agricultural activities within the Agricultural Overlay Area is a policy of the City of San Marcos’s General Plan for the preservation, protection, and encouragement of such uses. Those inconveniences or discomforts arising from agricultural activities if such activities are consistent with zoning standards, accepted customs and standards, will not be considered a nuisance. Occupants of this property may be exposed to inconveniences or irritations arising from daily activities of agricultural enterprises, including, but not limited to, cultivation, plowing, spraying, pruning, harvesting, drying and crop protection from the elements or depredation which generates dust, smoke, noise, insects, rodents and odor, and the use of agricultural chemicals, including but not limited to herbicides, fungicides, rodenticides, and fertilizers. Occupants of the property may be required to accept such inconveniences and irritations, unless the agricultural enterprises constitute a public or private nuisance. It is understood that agricultural uses may be altered or expanded in the future and may require approval by the City through the discretionary permit process.”

The applicant shall provide proof to the City of San Marcos Planning Division prior to final occupancy for each lot that said disclosure was provided and deed restriction recorded.

- P. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
- Q. The alignment and terminal point of storm drains shown on the tentative map shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
- R. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- S. The applicant/developer shall incorporate all mitigation measures as specified in Mitigated Negative Declaration 06-738.
- T. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- U. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and

equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

- V. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

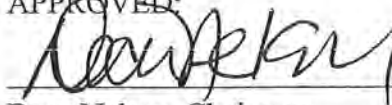
PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 3<sup>rd</sup> day of April, 2006, by the following roll call vote:

AYES: COMMISSIONERS: ABBEY, COHEN, KELLER, ORLANDO,  
SCHAIBLE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: HERNANDEZ, KILDOO, NELSON

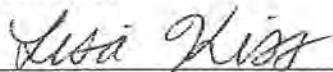
APPROVED:



Dean Nelson, Chairman

SAN MARCOS CITY PLANNING COMMISSION

ATTEST:



Lisa Kiss, Planning Secretary

SAN MARCOS CITY PLANNING COMMISSION